

5-6: CE-2 CRITICAL ENVIRONMENTAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The CE-2 Critical Environmental Zone includes certain of the less rugged mountainous and riparian lands within Utah County. Characteristically, the lands included within this zone consist of mountain valleys and the less rugged canyon floor areas.

Historically, lands within this zone have been used for livestock grazing, wildlife habitat, and the location of an occasional ranch, mine, recreational site, or seasonal homes area.

The lands also function as an integral part of the watershed which supplies much of the irrigation and culinary water for the Utah Valley. The watershed area is environmentally fragile, and its preservation is of critical importance to the county. Because of a combination of factors, including accessibility from existing roads, availability of water, suitable topographical soil and vegetative conditions, and aesthetic attractions, part of the territory included within this zone is capable of accommodating certain types of recreational and housing development without undue adverse effect on the quality of the watershed, provided that such developments are limited in size and are constructed and maintained under carefully regulated conditions.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the CE-2 Critical Environmental Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Section 17-27-102 Utah Code Annotated 1953, and to implement the plans provided for in Section 17-27-301 of said Code.
2. To protect and conserve the water supply, vegetation, soils, wildlife, and other natural resources within the watershed.
3. To avoid the creation of hazard from flood, fire, and other dangers.
4. To preserve the aesthetic appearance of the landscape.
5. To prevent the degradation of the environment and the waste of natural and financial resources.
6. To secure economy in governmental expenditures.
7. To ensure the development of adequate public facilities to match private development.
8. To permit dwellings, recreation areas, and certain other types of development to take place in areas of critical environmental concern under conditions which will result in the conservation of the water supply, vegetation, soils, wildlife, and other natural resources within the zone.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted in the CE-2 Zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The grazing and pasturing of domestic livestock limited to numbers and densities that do not erode the soil; also barns, sheds, corrals, pens, and fields for the keeping and feeding of such livestock, subject to the requirements of zoning section 3-19.
2. The production of fruits and crops in the field.
3. Buildings, silos, and other structures for the storage and keeping of farm products and machinery.
4. Apiaries.
5. Fish hatcheries and the raising of fish.
6. Forest and plant nurseries and greenhouses.
7. One-family dwellings and manufactured homes.
8. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
9. Family day-care centers and foster care homes.
10. Residential facilities for persons with a disability and residential facilities for elderly persons, subject to the standards set forth in zoning sections 3-42 and 3-43, respectively.
11. Churches and other structures for religious worship and churches with a parsonage.
12. Public parks and historical monuments.
13. Landscape parks.
14. Botanical gardens and arboretums.
15. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
16. Marinas, subject to the provisions of zoning section 3-40.
17. Picnic grounds.
18. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
19. Fences, walls and landscaping, subject to the conditions set forth in zoning sections 3-20 and 3-21.
20. Signs, subject to the provisions of zoning section 3-37.

20.1 A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication or it's successor agency.

21. Water wells, well pumps, and pump housings.

22. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:

a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.

b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.

c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

23. Home occupations within the livable floor area of the dwelling, subject to the conditions set forth in zoning Section 3-36, with the exception that no patrons or deliveries are permitted.

C. PERMITTED CONDITIONAL USES

In the CE-2 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

2. Deleted

3. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21, provided that such is found to be necessary and ancillary to a large-scale development or other use present in the zone, and is compatible with the surrounding neighborhood.

4. A nursing home or residential treatment center which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21, and which meets the supplemental requirements of zone section 3-57.

5. A public park facility which the Planning Commission has approved in a public park and issued a conditional use permit according to the provisions of zoning sections 3-48 and 7-24-D.

6. A landscape park recreational facility which the Planning Commission has approved in a landscape park and issued a conditional use permit according to the provisions of zoning sections 3-49 and 7-24-D.

7. A major campground (and appurtenant campsite facilities) for noncommercial use, when issued a conditional use permit by the Planning Commission according to the provisions of zoning sections 3-50 and 7-24-D.
8. An electric power transmission line over 69 kv, but less than 345 kv capacity (and rights-of-way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.
9. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and regulating stations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.
10. A water transmission line having a capacity greater than 200 cubic feet per second (and rights-of-way) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.
11. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.
12. A mountain home development which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-4.
13. A recreational resort which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-5.
14. Public, primary or secondary schools, when included as part of an approved Recreational Resort, Large Scale Development.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, family day-care center, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, shall be located on a lot containing at least twenty (20) acres of land.

However, without regard to the 20-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or building site as depicted on such plat.

2. Each residential treatment center home shall be located on a lot containing at least twenty (20) acres of land.
3. Each planned subdivision shall be located on a lot containing at least twenty (20) acres of land.

4. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, as provided pursuant to the provisions of Section 3-53-B-1 of the Utah County Zoning Ordinance and Section 17-27-806(2) of the Utah Code Annotated, 1953 as amended, shall not be less than twenty (20) acres in area, as shown on the approved and recorded record of survey map.
5. Each mountain home development or recreational resort shall be located on a lot containing at least twenty (20) acres of land.
6. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing twenty (20) acres of land.
7. Each major campground and its appurtenant campsite facilities shall be located on a lot containing at least twenty (20) acres of land.
8. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres for each recreation vehicle pad, tent site, or other campsite in the campground.
9. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
10. Each governmental building and facility permitted according to the provisions of zoning section 5-6-B-23 shall be located on a lot containing at least five (5) acres of land.
11. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, family day-care center, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

However, without regard to the 330-foot requirement stated above, if the property is included in a recorded large-scale development plat, the required width shall be the width of the undivided lot or building site as depicted on such plat.

2. For each residential treatment center, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.
3. For each church or other structure for religious worship, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.
4. For each public park containing approved concessions or landscape park containing approved recreational facilities, the minimum width of the lot along the road frontage shall be three hundred

thirty (330) feet.

5. For each governmental building and facility permitted under zoning section 5-6-B-22, the minimum width of the lot along the road frontage shall be three hundred thirty (330) feet.

6. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

Except in recorded mountain home development, planned dwelling group, recreational resort, or seasonal home development plats where buildings shall be located according to the terms of approval of such plats, the minimum location requirements within the CE-2 zone shall be as follows:

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21, and 3-44, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by zoning section 3-16.

2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21, and 3-44 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet, unless a greater setback is required by zoning section 3-16.

Exception: The side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one, (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street or platted large-scale development roadway.

G. HEIGHT REQUIREMENTS

The height requirements within the CE-2 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a “stealth telecommunications transmission facility” which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large scale utility line structures, there shall be no maximum height.

Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the

ordinance may result in a lesser height than that stated above.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. DWELLINGS SIZE AND PATTERN

For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and nonhabitable areas.
2. The roof shall have a slope of 2 to 12 or greater, shall have a nonreflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond the walls.
3. The exterior siding material, other than windows and solar collection cells, shall be nonreflective.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become re-vegetated.
4. The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent, and the road shall be maintained so as to be readily accessible to emergency vehicles.
5. All land surface from which topsoil is removed and a land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.